

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BACKERTOP LICENSING LLC,

Plaintiff,

v.

CANARY CONNECT, INC.,

Defendant.

Civil Action No.: 1:22-cv-00572-CFC

BACKERTOP LICENSING LLC,

Plaintiff,

v.

AUGUST HOME, INC.

Defendant.

Civil Action No.: 1:22-cv-00573-CFC

SWORN DECLARATION OF LORI LAPRAY

I, Lori LaPray, declare as follows:

1. I am the managing member and sole owner of Backertop Licensing LLC (“Backertop”). I have personal knowledge of the facts set forth in this Declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.

2. I submit this declaration in support of Backertop Licensing LLC’s Motion for Reconsideration of the Court’s May 31, 2023 Order and Leave for Ms. Lori LaPray to Appear At the Court’s July 20, 2023 Hearing via Videoconference.

3. I incorporate by reference my sworn declaration dated May 9, 2023 that was filed with the Court by counsel for Backertop, Mr. Jimmy Chong.

4. I live in Fort Worth, Texas. I work in Dallas, Texas as a paralegal to a law firm. Any business I conduct, professionally or personally, is done in the State of Texas. I rarely leave the State of Texas.

5. I am a mother to a 3 year old child and a 7 year old child.

6. Although I work full-time as a paralegal, I am the parent responsible for taking my children to day care in the morning and picking them up at the end of the day. There is literally no one else to handle these duties. On top of that, it is my responsibility to take my 7 year old to soccer practice.

7. I am married and have a husband, Brandon LaPray. He just started a new job on May 8, 2023. This job requires him to be physically in the office without the option to work remotely. The job is new, so he has no paid time off. Because of this, it is not possible for him to take over my duties in dropping off and picking up the children. He also cannot take the 7 year old to soccer practice.

8. I have already traveled once to Delaware to testify in front of this Court on November 10, 2022. Having to do so again would require me to miss two (2) days from my family, as it takes one (1) day to travel to Delaware, and another day for the hearing and then taking a late flight back to Texas. I simply cannot miss two (2) entire days from my family.

9. My husband was out of work from April 1, 2023 to May 8, 2023. We would have a financial hardship if I am required to travel to Delaware, a second time, including the time off from work, costs for flights, hotels, ground transportation, etc.

10. I can, however, appear at the July 20, 2023 hearing at 1:00pm Eastern via videoconference. I understand the Court holds hearings telephonically and through videoconference. I am willing and available to appear via videoconference.

11. The Court has sent the May 31, 2023 Order, along with some other documents, to my employer, Mr. Ronald Holmes (“Holmes”). Mr. Holmes and his firm have nothing to do with this case or Backertop. This communication to my employer has caused a great deal of fear and panic in my life, and put me in a position where I am scared I could lose my job. I feel that the Court is harassing me, by interfering with my life and career, just to force my attendance at a hearing in Delaware, despite my unavailability and despite my availability and willingness to appear via videoconference.

12. I have no control over how my employer will react or respond to having received this communication from a Federal Judge regarding a matter involving me, but has nothing to do with my employer or the firm. I feel the Court’s ex parte communication to my employer has damaged my reputation at work and disrupted the firm itself, as the Court has now involved my employer and his firm into this litigation. I am deeply concerned that this Court will continue to communicate with and involve my employer, which I fear will further jeopardize and damage my employment and career. I fear any further involvement with my firm on this matter by the Court would jeopardize my reputation and potential employment, and I do not want my firm involved in any manner whatsoever. This ex parte communication has disrupted my work, family, and life, and I am living in a sense of fear and intimidation by this Court. Moreover, I feel the Court requiring me to take additional time off of work to attend an in-person hearing *after* the Court has initiated its ex parte communication to my employer is damaging in and of itself to my professional reputation. I feel harassed by this Court’s requirement of me to travel in-person to Delaware, and feel the Court’s treatment of me and its expectation of my employer to “explain” to me what I can and cannot do is textbook gender harassment and intimidation, and further influencing my employer to engage in gender harassment and discrimination (e.g., in the form of “mansplaining”).

13. I ask, respectfully, that the Court be reasonable and consider my family situation and my life as a working mother, and allow me to appear via videoconference for the hearing on July 20, 2023 at 1:00pm ET.

14. I repeat again that on behalf of Backertop, Backertop's position regarding the motions to withdraw is simply that it cannot be left without counsel to represent Backertop in these matters. Backertop needs to have an attorney who can provide counsel, appear at hearings, and file documents. Other than this, Backertop has no opinion on the respective motions to withdraw. I literally have nothing else to say on this issue.

15. Further, Backertop has produced all documentation within its possession, custody or control in compliance with the May 1, 2023 Order.

I declare under penalty of perjury that the foregoing is true and correct.



Lori LaPray
Managing Member, Backertop Licensing
LLC

State of Texas

County of Dallas

Before me, Vanessa Jacobs (insert the name and

character of the officer), on this day personally appeared

Lori LaPray (insert name of signatory), known to me (or

proved to me on the oath of or through driver's license (description of

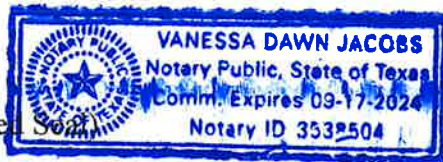
identity card or other document) to be the person whose name is subscribed to the foregoing

instrument and acknowledged to me that he executed the same for the purposes and consideration

therein expressed.

Given under my hand and seal of office this 7th day of June, 2023.

(Personalized Seal)



Vanessa Jacobs
Notary Public's Signature